

# MANDATE

## United States Court of Appeals

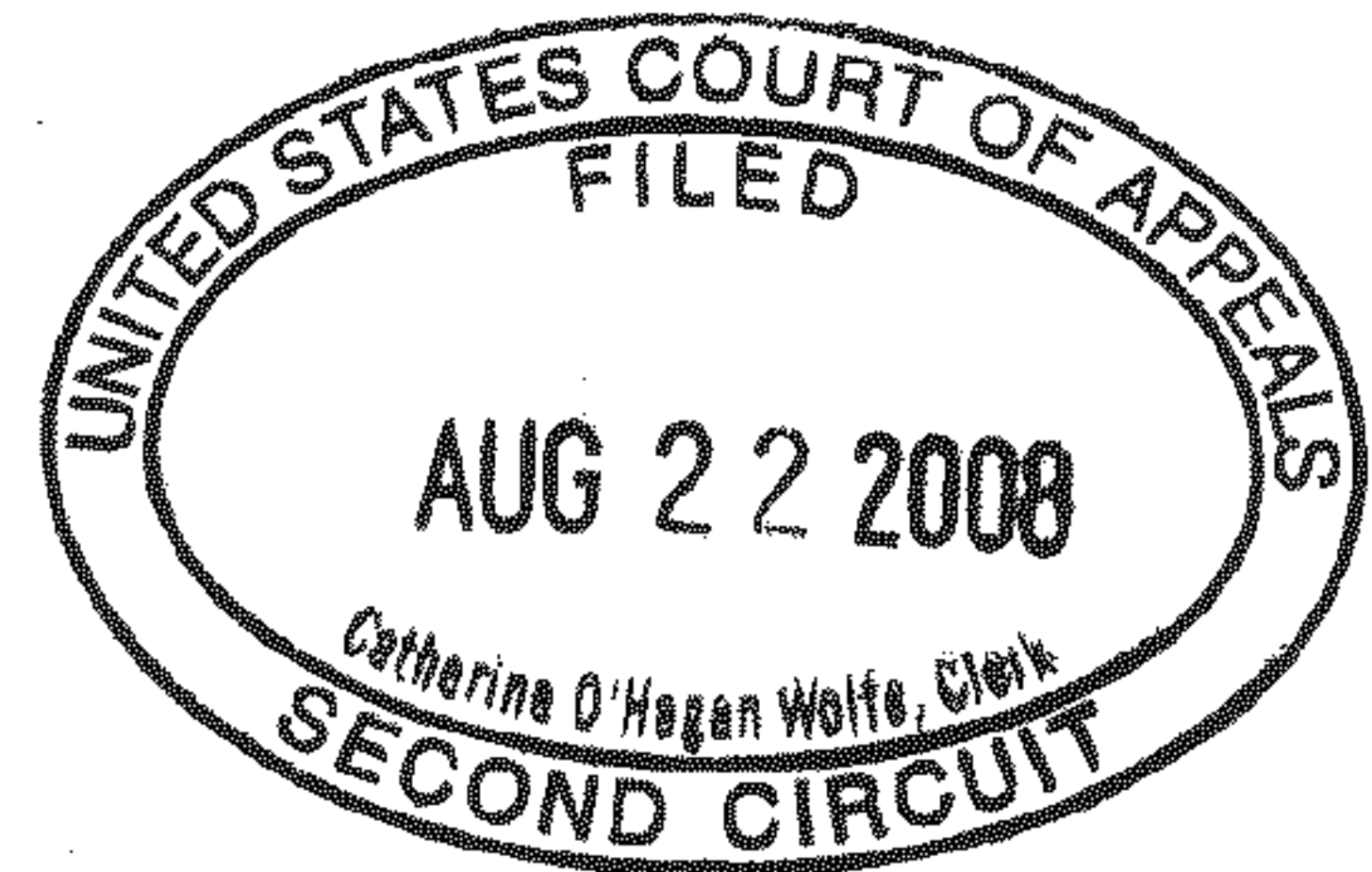
FOR THE  
SECOND CIRCUIT

### JUDGMENT

At a stated Term of the United States Court of Appeals for the Second Circuit, held at the Daniel Patrick Moynihan United States Courthouse, 500 Pearl Street, in the City of New York, on the 22<sup>nd</sup> day of August, two thousand eight,

Before: Hon. Barrington D. Parker,  
Hon. Debra Ann Livingston,  
*Circuit Judges,*  
Hon. Janet Hall,  
*District Judge.\**

Docket Nos. 07-5367-cv



DAVID PRICE, AS A CANDIDATE FOR THE POSITION OF ALBANY COUNTY REPUBLICAN COMMITTEE FROM THE 14<sup>th</sup> WARD 6<sup>th</sup> DISTRICT, CITY OF ALBANY, THE ALBANY COUNTY REPUBLICAN COMMITTEE, MARTHA MCMAHON, Absentee Voter, and JAMES THORNTON, ABSENTEE VOTER,

*Plaintiffs-Appellants,*

v.

THE NEW YORK STATE BOARD OF ELECTIONS, NEIL W. KELLEHER, DOUGLAS A. KELLNER, EVELYN J. AQUILA, AND HELENA MOSES DONOHUE,

*Defendants-Appellees.*

Appeal from the United States District Court for the Northern District of New York.

This cause came on to be heard on the transcript of record from the United States District Court for the Northern District of New York and was argued by counsel.

ON CONSIDERATION THEREOF, it is hereby ORDERED, ADJUDGED, and DECREED that the judgment of the district court is REVERSED AND THE CASE IS REMANDED in accordance with the opinion of this court. The district court is instructed to enter judgment for the plaintiffs on those of their claims for which they moved for summary judgment.

A TRUE COPY  
Catherine O'Hagan Wolfe, Clerk

by

DEPUTY CLERK

FOR THE COURT:

CATHERINE O'HAGAN WOLFE, Clerk

by

Joy Fallek

Administrative Attorney

\* The Honorable Janet C. Hall, United States District Judge for the District of Connecticut, sitting by designation.

Issued as Mandate:

SEP 26 2008